

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF NORTH CAROLINA
WESTERN DIVISION
Case No. 5:21-CV-00441-M

BRITTANY MANGUM,

Plaintiff,

v.

NEIGHBORHOOD ASSISTANCE
CORPORATION OF AMERICA (NACA),
and
SHAUN CUNNINGHAM,

Defendants.

ORDER

This matter comes before the court on a memorandum and recommendation (“M&R”) issued by United States Magistrate Judge Robert T. Numbers, II (DE 3) with respect to the initial screening of the Complaint in this case pursuant to 28 U.S.C. § 1915. Pursuant to 28 U.S.C. § 636(b)(1) and Federal Rule of Civil Procedure 72(b), Magistrate Judge Numbers recommends that the court dismiss the individual Defendant from this action brought pursuant to Title VII of the Civil Rights Act of 1964, as amended (“Title VII”). To date, no objections have been filed.¹

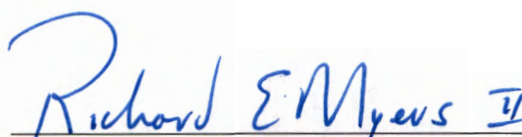
A magistrate judge’s recommendation carries no presumptive weight. The court “may accept, reject, or modify, in whole or in part, the . . . recommendation[] . . . receive further evidence or recommit the matter to the magistrate judge with instructions.” 28 U.S.C. § 636(b)(1); *accord Mathews v. Weber*, 423 U.S. 261, 271 (1976). The court “shall make a de novo determination of

¹ Judge Numbers issued the M&R on December 1, 2021. Thus, any objection from the pro se Plaintiff was due to be filed on or before December 20, 2021. *See* 28 U.S.C. § 636(b)(1); FED. R. CIV. P. 6(d) and 72(b)(2); Local Civil Rule 72.4(b). The M&R was submitted to this court for disposition on December 22, 2021.

those portions of the report or specified proposed findings or recommendations to which objection is made.” *Id.* § 636(b)(1). Absent a specific and timely objection, the court reviews only for “clear error” and need not give any explanation for adopting the recommendation. *Diamond v. Colonial Life & Accident Ins. Co.*, 416 F.3d 310, 315 (4th Cir. 2005).

Upon careful review of the M&R and the record presented, and finding no clear error, the court ADOPTS the recommendation of the magistrate judge as its own. For the reasons stated therein, Defendant Shaun Cunningham is dismissed from this case. *See Abeles v. Metro. Washington Airports Auth.*, 676 F. App’x 170, 177 (4th Cir. 2017) (citing *Lissau v. S. Food Serv., Inc.*, 159 F.3d 177, 180 (4th Cir. 1998) (“An analysis of Title VII’s language and its remedial scheme leads us to join the other circuit courts and conclude that supervisors are not liable in their individual capacities for Title VII violations.”)). The Clerk of the Court is directed to remove Mr. Cunningham as a Defendant from the caption of this case. Plaintiff’s Complaint will proceed only against Defendant NACA.

SO ORDERED this 6th day of January, 2022.


RICHARD E. MYERS II
CHIEF UNITED STATES DISTRICT JUDGE